THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.24198 of 1998

Dated:27.06.2007

Between
Kondeti Subbaiah

.....Petitioner

and

1.The Registrar, Labour
Court, Guntur, Guntur District
and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.24198 of 1998

ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to I.D.No.562 of 1991 dated 7.7.1997 on the file of the 1st respondent-Labour Court, Guntur and to quash the same as arbitrary and illegal.

The petitioner is the workman and 2nd and 3rd respondents are the Management. It appears that the petitioner was initially appointed as Helper with effect from 10.6.1977 and thereafter he was promoted as Assistant Sales Man and further promoted as Clerk and continued as such. However, on 10.1.1991 a show cause notice was issued to him and after considering his explanation, his services were

terminated. Aggrieved by the same, the petitioner raised a dispute under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') before the Labour Court.

Before the Labour Court, on behalf of the workman none were examined and no documents were marked. On behalf of the Management, MW1 was examined and Exs.M1 to M8 were marked.

After a detailed consideration of the entire material placed before it, the Labour Court confirmed the dismissal order passed by the disciplinary authority and held that the workman is not entitled for any relief. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner strenuously contended that no detailed enquiry was conducted and the petitioner was not given full and fair opportunity to defend himself apart from that the Labour Court has not exercised its powers vested under Section 11-

A of the Act properly. Therefore, the award passed by the Labour Court is liable to be set aside.

Whereas learned counsel for the respondents supported the award passed by the Labour Court and contended that the Labour Court has not committed any error calling for interference of this Court under Article 226 of the Constitution of India.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned award and other material made available on record.

It appears that the respondent-Management found that there was a deficit of Rs.23,015.15ps and in the enquiry it was found that the petitioner was responsible for Rs.767.23ps deficit as on 31.12.1990. It seems that a preliminary enquiry was conducted by the Deputy Registrar of Co-operative Societies and before the said

authority the petitioner has confessed his guilt and also gave a written statement stating that he was responsible for the loss incurred by the society. In view of the above admission made by the petitioner, the respondent-Management issued a show cause notice dated 10.1.1991 asking him as to why his services should not be terminated. After considering the explanation submitted by the petitioner on 18.1.1991 final order was passed dismissing him from service. In the light of these facts and also decisions referred by the petitioner as well as the respondent, the Labour Court has rightly came to the conclusion that in view of voluntarily statement given by the petitioner and also voluminous documentary and oral evidence produced by the respondent-Management, which is not rebutted by any iota of evidence by the petitioner, it should be held that the dismissal order passed by the Management against the petitioner is legal and valid.

In the facts and circumstances and the reasons furnished by the Labour Court for dismissing the application filed by the petitioner under Section 2-A (2) of the Act,l impugned order cannot be said to be either arbitrary, illegal or requires any interference by this Court under Article 226 of the Constitution of India and the writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

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27-06-2007

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